United States District Court for the Southern District of Florida

Edward Lee Wilson, Petitioner,)
v.) Civil Action No. 20-20011-Civ-Scola
)
Mark Inch, Respondent.	

Order on Magistrate Judge's Report and Recommendation

This case was referred to United States Magistrate Judge Lisette M. Reid, consistent with Administrative Order 2019-02 of this Court, for a ruling on all pre-trial, nondispositive matters and for a report and recommendation on any dispositive matters. On January 30, 2020, Judge Reid issued a report (R. & R., ECF No. 6) recommending that Petitioner Wilson's case be transferred to the Middle District of Florida. The Petitioner filed a purported "notice" of "no objection" to the recommendation that the case be transferred (ECF No. 7) and the Respondent filed no objections or responses. As a result, the Court reviews Judge Reid's report for clear error. *See Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006).

Although the Petitioner did not expressly object to any of the factual or legal determinations of Judge Reid, the Petitioner nevertheless queried whether the report misapprehended that he "is not 'directly challenging the state judgment of conviction of sentence, which was administered in accordance with law (Constitution); it is the unconstitutional 'actions' of the Florida Prison System to comply with the 'Post' sentencing requirement of State law, that is the basis of" the petition. (ECF No. 7 at 2.) It is clear that the Petitioner is challenging his present physical confinement at a correctional institution that lies within the jurisdiction of the Middle District of Florida. It is on that basis that Judge Reid determined that the Court lacks jurisdiction to hear the petition. See 28 U.S.C. § 2241(d); Rumsfeld v. Padilla, 542 U.S. 426, 443 (2004) ("[F]or core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.").

Accordingly, the Court **affirms and adopts** Judge Reid's report and recommendation (**ECF No. 6**). The Clerk shall take all necessary steps to ensure the prompt **transfer** of this action to the United States District Court for the Middle District of Florida. Thereafter, the Clerk shall **close** this case.

The Court directs the Clerk to **mail copies of this order** to the Petitioner at the address listed below.

Done and ordered, at Miami, Florida, on February 28, 2020.

Robert N. Scola, Jr.

United States District Judge

Copy, via U.S. Mail, to: Edward Lee Wilson 079099 Avon Park Correctional Institution Inmate Mail/Parcels 8100 Highway 64 East Avon Park, FL 33825